

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): J.S. Lipscomb et al.
Docket No.: SOM920000015US1
Serial No.: 09/749,407
Filing Date: December 28, 2000
Group: 2623
Examiner: David R. O'Steen

Title: Interactive TV Contextual Content Surfing Using Inter-Channel
Hyperlinking: Systems, Methods & Program Products

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The remarks which follow are submitted in response to the Examiner's Answer dated September 10, 2007 in the above-identified application. The arguments presented by Appellants in the corresponding Appeal Brief are hereby incorporated by reference herein.

In the Examiner's Answer, the Examiner reasserts a rejection of claim 39 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,665,870 (hereinafter "Finseth") in view of U.S. Patent No. 6,020,880 (hereinafter "Naimpally") and U.S. Patent No. 6,973,663 (hereinafter "Brown").

First, the Examiner alleges that "Finseth does teach a dynamic table of correspondence between program classification categories and television channel numbers." Examiner's Answer, page 39, first full paragraph. Appellants respectfully assert that Finseth discloses an electronic program guide in narrative form, not a dynamic table. Finseth, FIGs. 4-8. Further, Finseth does not teach a dynamic table of correspondence between program classification categories and television channel numbers. In contrast to Examiner's argument, the ability to manually enter editorial

comments into a program guide, as disclosed by Finseth, does not teach the dynamic table recited in the claims.

Next, the Examiner alleges that “Naimpally does disclose that the channel list provided to user is based on categories selected by the system for the program being viewed.” Examiner’s Answer, page 39, last paragraph. Appellants reassert that Naimpally does not teach channels selected by the system based on a profile of the viewer and a program classification category of a program being viewed as recited in the claims. Naimpally only discloses a user subscription initialization as a means to limit the amount of data obtained by the electronic program guide. Naimpally, col. 6, lines 43-57. Naimpally does not teach channels provided to the user which are selected by the system based on a program classification category of a program being viewed, rather, Naimpally teaches the manual selection of programs by the user.

Next, the Examiner re-alleges that Brown remedies the deficient teachings of Naimpally and Finseth. Appellants reassert that the Examiner has conceded that Finseth and Naimpally “fail to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer,” and Finseth and Naimpally “fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input.” Examiner’s Answer, page 5, second and last paragraph. Appellants further contend that the Examiner’s Answer fails to prove that Brown teaches “the program classification category is selected by the system from a plurality of classification categories for the program being viewed independent of viewer input.”

Appellants contend that Brown does not remedy the deficient teachings of Finseth and Naimpally. For instance, Brown discloses that “[t]he first part of similarity matching involves the user selecting one or more program titles from the program guide 88. This usually can be done by navigating around the program guide 88 using the remote control 86 and high-lighting the cell 92 containing the preferred program titles.” Brown, col. 10, lines 7-11. Brown is not describing program category selection by the system from a plurality of classification categories for the program being viewed independent of viewer input. Rather, Brown is describing program category selection by a user. Further, the programs selected by the user from the program guide are not programs being viewed.

Finally, in response to Appellants’ arguments, the Examiner provides the following statement

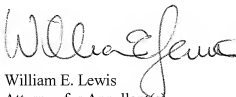
of motivation to combine at page 41, first partial paragraph of the Examiner's Answer:

It would have been known to one skilled in the art at the time of the invention that all three references are drawn to a similar platform for interactive multimedia reception and could be safely combined with each other without fear of failure. . . . It would have been obvious to one skilled in the art at the time of the invention to add the filtering of Naimpally, an analogous art, the program guide of Finseth to provide more customization in the system. Moreover, it would have been obvious to one skilled in the art at the time of invention to combine the category selection of Brown, an analogous art to television system of Finseth and Naimpally to make the recommendation process easier for the viewer.

Appellants respectfully submit that these are conclusory statements of the sort rejected by both the Federal Circuit and the U.S. Supreme Court. See *KSR v. Teleflex*, No. 13-1450, slip. op. at 14 (U.S., Apr. 30, 2007), quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”). There has been no showing in the present §103(a) rejection of objective evidence of record that would motivate one skilled in the art to combine Naimpally, Finseth, and Brown to produce the particular limitations in question. The above-quoted statement of motivation provided by the Examiner appears to be a conclusory statement of the type ruled insufficient in *KSR v. Teleflex*.

In view of the above, Appellants believe that claims 1-14, 16-22 and 24-44 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,



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